

SUPPLEMENTAL AGREEMENT NO. 1
CONTRACT NO. c.006795

THIS SUPPLEMENTARY CONTRACT, made and entered into as of this 29th day of June, 2018, by and between the COUNTY OF HAWAII, a municipal corporation duly organized and existing under the laws of the State of Hawaii, hereinafter called the "COUNTY", and BROWN & CALDWELL, a corporation organized under the laws of the State of California, whose business address is 737 Bishop Street, Suite 3000, Pacific Guardian Center – Mauka Tower, Honolulu, Hawaii 96813, hereinafter called the "CONSULTANT."

WITNESSETH:

WHEREAS, the parties hereto have entered into a CONTRACT dated January 12, 2018, to render all the necessary professional engineering services for preliminary engineering, initial planning study, and public outreach services associated with installation of a wastewater treatment and disposal system for the community of Nā'ālehu, Hawaii as part of the large capacity cesspool (LCC) closure project as described in Exhibit A; hereinafter called the "PROJECT" and

WHEREAS, the COUNTY finds it necessary to increase and extend the scope of the services of the CONSULTANT described in said agreement on account of the additional engineering services required for the PROJECT;

NOW THEREFORE, it is mutually understood and agreed that in consideration of the mutual promises and agreement contained herein, the parties hereto do agree to modify and change the agreement in accordance with the following terms and conditions:

1. Add the following to the Contract:

“6. A signed copy of the Contract and any Supplemental Agreement may be executed and transmitted to any party by facsimile, electronic mail (“email”) or other means of electronic transmission shall be deemed to be, and utilized in all respects as, an original, wet-inked manually executed document.”

2. Delete Section 2 of the Contract in its entirety and substitute with the following new paragraph:

“2. That the compensation for the work covered under SUPPLEMENTAL AGREEMENT No. 1 shall consist of a fee amount of ONE HUNDRED SEVENTY FOUR THOUSAND EIGHT HUNDRED THIRTY ONE AND NO/100 DOLLARS (\$174,831.00), and that the total compensation for the work covered under the CONTRACT, including Supplemental Agreement No. 1 shall consist of a fee not to exceed FOUR HUNDRED SIXTY-EIGHT THOUSAND THIRTY-FIVE AND NO/100 DOLLARS (\$468,035.00), subject to the General Terms and Conditions, except in the case of contract amendment increasing or decreasing the scope of work”; and

3. Add Exhibit “B” Scope of Work

IT IS FURTHER UNDERSTOOD AND AGREED that this Supplemental Agreement is a supplement to the Agreement heretofore executed by the parties and, except as specifically provided herein, shall in no way act as a waiver of any of the conditions and obligations imposed upon the parties by the said Agreement or the specifications attached thereto and made a part Agreement or the specifications attached thereto and made a part thereof, and any rights which any of the parties may have by virtue of the said Agreement are to be

considered as full force and effect except as the same may have been altered or modified by this Supplemental Agreement.

FORUM SELECTION: No action or proceeding involving this contract shall be commenced by either party except in the Circuit or District Courts of the Third Circuit, County of Hawai'i, State of Hawai'i; nor shall any action commenced in such court be removed or transferred to any other state or federal court.

IN ALL OTHER RESPECTS, the parties reaffirm the provisions of the Contract dated January 12, 2018 which shall govern as if this supplementary contract had not been entered into.

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IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed as of the day and year first above written.

RECOMMEND APPROVAL:


WILLIAM A. KUCHARSKI
Director Environmental Management

COUNTY OF HAWAII:

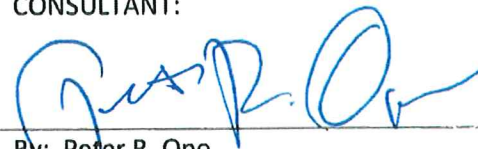

By: WILFRED M. OKABE
Its: Managing Director

APPROVED AS TO FORM AND LEGALITY:


Deputy Corporation Counsel
County of Hawai'i

Date Signed: 06/29/2018

CONSULTANT:


By: Peter R. Ono
Its: Executive Engineer

Date Signed 6/4/18

DESIGNATED REPRESENTATIVE:

Dora Beck, P.E.
Wastewater Division Chief
Phone Number: (808) 961-8513
Email Address: dora.beck@hawaiicounty.gov

DESIGNATED REPRESENTATIVE:

Craig Lekven, P.E.
Title: Engineer
Phone Number: (808) 442-3301
Email Address: clekven@brwnald.com

EXHIBIT "B"
NĀ'ĀLEHU LARGE CAPACITY CESSPOOL PROJECT
SUPPLEMENTAL SCOPE OF WORK (SA-1)

1. GENERAL DESCRIPTION OF ADDITIONAL SCOPE OF WORK:

- 1.1 Due to public concerns regarding siting of the proposed Nā'ālehu Wastewater Treatment Plant (WWTP) on TMK 9-5-012:002 and 9-5-011:003 and the recent possibility of utilizing properties which had been previously unavailable, the Consultant shall provide additional services for determining the feasibility of utilizing an alternate site for the proposed Nā'ālehu WWTP.
- 1.2 Two (2) sites have been identified on TMK 9-5-007:016 as potentially having characteristics which would be favorable for a WWTP.
 - 1.2.1 Site No. 1 is on the mauka side of the parcel where a swath of Nā'ālehu medial silty clay loam soil is identified on the soil survey.
 - 1.2.2 Site No. 2 is above the County Radio Tower site located in the middle of the property and is between Site No. 1 and the Radio Tower site.
- 1.3 The following preliminary work has been identified as being needed in order to determine if either (or both) of these sites are viable sites for a new WWTP. It is understood that this work constitutes Preliminary Engineering Work and that additional work may be required to make a final determination of the feasibility of the sites.
 - 1.3.1 Exploratory Geotechnical work to determine subsurface conditions.
 - 1.3.2 Drainage study of Site No. 1 as it has been determined that a waterway from above the highway discharges in this vicinity.
 - 1.3.3 A Phase 1 Environmental Site Assessment (Phase 1 ESA) of the selected area.

2. ADDITIONAL SCOPE OF WORK:

2.1 TASK NO. 5 - Exploratory Geotechnical Borings

- 2.1.1 Conduct a total of four (4) exploratory borings on the two sites in order to assess the subsurface geology.
- 2.1.2 Borings will each be forty (40) feet deep and will be logged by the geotechnical sub consultant and the geotechnical consultant will provide a letter report including the boring logs.
- 2.1.3 A representative from Brown and Caldwell will be present during the boring activities to identify the boring locations as well as to witness the cores in the field.
- 2.1.4 The borings will be utilized to assess the feasibility of implementing a vegetated soil aquifer treatment system at Site No. 2 or a slow rate land application system at Site No. 1.

2.2 TASK NO. 6 – Drainage Feasibility Study

- 2.2.1 Brown and Caldwell will prepare a drainage feasibility study of an existing watercourse which transverses under Hawaii Belt Road and daylights at parcel (3) 9-5-007:016 in the vicinity of Site No. 1.
- 2.2.2 The purpose of the study is to evaluate the feasibility of relocating the existing watercourse outlet to another location within the same parcel without negative impact to downstream or adjacent properties.
- 2.2.3 The drainage study will approximate the existing ditch geometry and watershed area(s) that contributes to the subject ditch at a maximum of 3 points along the existing ditch.

At a minimum, two points along the ditch will be assessed for the existing and proposed condition: the pipe culvert at Hawaii Belt Road and the outlet at the subject parcel.

- A. Furthermore, the study will evaluate a maximum of two outlet relocation alternatives.
- 2.2.4 The services as outlined below will be limited to the following physical limits:
 - A. Drainage ditch and outlet at TMK (3) 9-5-022:999 and (3) 9-5-007:016: the study will approximate the watershed area that contributes to the subject drainage ditch. The existing ditch geometry will be approximated from USGS maps, Google Earth satellite images, and site reconnaissance limited to the subject parcels. No topographical site survey will be conducted for this study.
 - B. Culvert crossing at Hawaii Belt Road at TMK: (3) 9-5-022:009: the study will approximate the watershed area that contributes to the existing drainage ditch at the roadway culvert; the existing culvert geometry will be approximated from any available as-builts and/or site reconnaissance. No topographical site survey will be conducted for this study.

2.2.5 Detailed Scope of Work

- A. Existing Condition Data Collection:
 - 1) Site visit
 - 2) Conduct research and review of existing documents.
- B. Draft Technical Memorandum (TM) – for client review and comment:
 - 1) Review, analyze, and evaluate existing documents such as as-builts, land use maps, soil survey maps, USGS maps, site visit data, etc. to determine limits of watershed area and approximate ditch geometry.

- 2) Hydrologic and hydraulic evaluation of drainage outlet relocation:
 - a. Pre-development conditions
 - b. Post-development conditions of up to two (2) outlet relocation alternative options and (1) ditch option. Evaluation of additional options will impact scope and schedule.
 - c. Hydrologic and hydraulic evaluation of WWTP site:
 - i. Pre-development conditions
 - ii. Post-development conditions for one (1) proposed WWTP site within subject parcel. Evaluation of additional sites or site locations will have impact on scope and schedule.
- 3) Preliminary drainage system or structure design:
 - a. Geometric calculation for one (1) proposed ditch.
 - b. Geometric calculations for one (1) preferred outlet relocation.
 - c. Preliminary WWTP site drainage plan.
 - d. Evaluation of access and maintenance requirements.
- 4) Regulatory and construction permits:
 - a. Evaluation and recommendation of likely regulatory and construction permits applicable for proposed outlet relocation.
- 5) Pre-final TM– address Client comments on draft TM and any outstanding information required for study.
- 6) Final TM – address Agency comments, Client comments, and any outstanding information required for study.

C. Assumptions:

- 1) One WWTP preliminary site reflecting project limits and location will be provided.
- 2) Two outlet relocation alternatives will be reviewed and agreed for evaluation prior to start. One ditch geometry alternative will be evaluated.
- 3) Drainage study is adequate for project concept approval from County of Hawaii, DPW (Per section 27-25(c) of Chapter 27, Floodplain management, of County code).
- 4) Evaluation of drainage basin and system is based on existing

conditions; it is assumed that any future or current development within basin will mitigate their respective post-development conditions.

- 5) Evaluation of the drainage basin and system will follow the County of Hawaii, Department of Public Works; Storm Drainage Standards dated October 1970. Moreover, the methodology for runoff quantity determination for drainage areas greater than 100 acres, will be per Plate 6, Design Curve for Peak Discharge, of the previously referred standard. No additional modeling will be conducted.
- 6) As-builts of highway are available from HDOT for Hawaii Belt Road.

2.3 TASK NO. 7 – Phase 1 ESA, Portion of TMK 9-5-007:016

- 2.3.1 BC will prepare a Phase 1 ESA for the preferred 15-acre portion of TMK (3) 9-5-007:016, based on the result of Tasks 5 and 6.
 - A. BC will conduct activities as described in the American Society for the Testing of Materials (ASTM) Standard E1527-13, Standard Practice for Environmental Site Assessment: Phase I Environmental Site Assessment Process (hereafter referred to as the “ASTM Standard”).
 - B. Based on information readily available during the Site walk and through background research, Brown and Caldwell will prepare an ESA report that generally conforms to the ASTM Standard. The ESA report will be signed by environmental professionals as outlined in the ASTM Standard.
 - C. The ESA Report will include the following information:
 - 1) Pertinent information gathered during interviews with the key Site contact(s).
 - 2) Description of visual observations noted during the Site walk, including any observations made in buildings where access was granted and those where potentially environmentally significant operations currently exist or could have previously existed, based on interview responses.
 - 3) Description of current on-Site hazardous substance and petroleum management practices based on interview and on-Site reconnaissance visit.
 - 4) Discussion of Site and adjacent land usage, including the presence of nearby dumps, spill sites, etc. that could impair the quality of the property, based on (i) interview responses; (ii) drive-by visual observations; and (iii) review of federal CERCLIS entries and other reasonably ascertainable environmental regulatory agency databases for the minimum search distances specified in the ASTM Standard, also known as “standard environmental record sources.”

- 5) Documentation of historical Site usage, based on interview responses, Sanborn™ fire insurance maps (if available), and to the extent available, city directories and aerial photographs.
- 6) Discussion of data gaps, if applicable.

2.3.2 Limitations

- A. Not every property will warrant the same level of assessment. Consistent with good commercial or customary practice, the appropriate level of environmental site assessment will be guided by the type of property subject to assessment for expertise and risk tolerance of the user, and the information developed in the course of inquiry.
- B. The Phase I ESA process is not intended to provide a guarantee regarding the presence or absence of petroleum products or hazardous substances on the Site. The findings and conclusions of this assessment will be limited by the following factors:
 - 1) The proposed Scope of Services is not an exhaustive inquiry, but represents an appropriate, commercially prudent, and reasonable level of effort. In accordance with the ASTM Standard, this assessment is intended to reduce, but not eliminate, the level of uncertainty regarding the potential for recognized environmental conditions on the Property.
 - 2) The availability of data may be limited, particularly in regards to historical Property uses. Where such limitations are material to the conclusions of the assessment, they will be identified in the report.
 - 3) Brown and Caldwell cannot verify the accuracy of data obtained from government agencies, commercial sources, interview subjects, and other third-party sources.
 - 4) This Phase I ESA represents conditions which exist at the time the work is performed, and should not be considered indicative of conditions which may exist at a substantially later date. The assessment will be completed in accordance with a reasonable understanding of the recognized environmental conditions and regulatory standards which exist at the time the work is performed.

2.3.3 Assumptions

- A. The following assumptions were made in the process of developing this Scope of Work. Changes to these assumptions may result in the need for additional funding:
 - 1) Access to the Site prior to the commencement of field activities will be arranged by the County.

- 2) Field assessment work will be based one (1) site visit.
- 3) Unrestricted access to all areas required for assessment will be available for Brown and Caldwell's environmental professional. This includes no restrictions or limits on photography.
- 4) The County will provide known contact information for knowledgeable representative(s) who can answer questions regarding current and historical facility operations and can escort Brown and Caldwell's environmental professional to all relevant areas requiring inspection.
- 5) If the Site or neighboring property is identified in the regulatory database search then a regulatory file review should be completed per the ASTM Standard. Time has not been included to visit a regulatory agency to review agency files, should that be necessary. It is assumed that relevant Site documents will be provided by the Site owner or Client, or they can be obtained on-line. If additional time is necessary to conduct the appropriate agency file reviews, work will be considered as Unforeseen Work.
- 6) Only a Tier 1 vapor encroachment screening will be performed to assess the potential for a vapor encroachment concern exists at the Site in accordance with ASTM E 2600-10, *Standard Guide for Vapor Encroachment Screening on Property Involved in Real Estate Transactions*.

2.3.4 Deviations from ASTM and AAI Standards

- A. The ESA report for the Site will not provide all information required by the AAI Standard in connection with various prospective purchaser/innocent landowner/tenant/brownfields protections in 40 CFR 312. Information that will not be provided as part of the proposed Phase I ESA includes the following:
 - 1) Collection or analysis of any samples.
 - 2) Procurement of records or information that is not considered "reasonably ascertainable" from concerned agencies.
 - 3) Comparison of the sale price to the Site value.
 - 4) An evaluation of wetlands, asbestos, lead-based paint, vapor intrusion screening and other items listed in the Exclusions section of the Detailed Scope of Work.
- B. Activities that are included in USEPA's AAI Standards that are not required in the ASTM Standard, but are included in this scope of work, include:
 - 1) Interviews with owners or occupants of neighboring properties, if available;

- 2) Expanded review of records from local government agencies and Indian Tribes, if reasonably ascertainable;
- 3) Review title and judicial records for environmental liens and activity and use limitations; and
- 4) Extensive requirements for documenting data gaps.
- 5) Documenting data gaps includes identifying the gaps, identifying the source, and commenting on significant gaps. If gaps prevent the environmental professional from reaching an opinion about the Site, it will be noted in the ESA report.
- 6) Finally, the work will be signed by environmental professionals as outlined in the ASTM Standard.

2.3.5 Detailed Scope of Work for Phase I ESA

- A. Consultant will perform a Phase I Environmental Site Assessment (ESA) of the site in accordance with American Society for Testing and Materials (ASTM) Standard Practice E 1527-13 (ASTM E 1527-13).
- B. The scope of these services will include the following tasks. All italicized terms refer to the definitions set forth in the ASTM Standard. All work will be performed under the supervision of a qualified *environmental professional*. The Phase I ESA will be performed to satisfy all appropriate inquiry as defined in CERCLA, 42 U.S.C. §9601(35)(b) as clarified by 40 CFR 312, that will qualify a party to a commercial real estate transaction for one of the threshold criteria for satisfying the Landowner Liability Protections to CERCLA liability. The objective of this Phase I ESA is to identify, to the extent feasible pursuant to the processes described in ASTM E 1527-13, *recognized environmental conditions* in connection with the Site.
 - 1) Records Review
 - a. Consultant will obtain and review *reasonably ascertainable* and *practically reviewable* records in an attempt to identify *recognized environmental conditions* in connection with the Site. Records may be obtained directly from various governmental agencies and other sources or from a commercial database search company. The records will include the following *standard environmental record sources* within the designated minimum search distances:

Environmental Record Sources and Search Distances

List

Minimum Search Distance
(Miles)

Federal NPL Site List	1.0
Delisted NPL Site List	0.5
Federal CERCLIS List	0.5
Federal CERCLIS NFRAP Site List	0.5
Federal RCRA CORRACTS Facility List	1.0
Federal RCRA non-CORRACTS TSDF List	0.5
Federal RCRA Generator List	property & adjoining properties
Federal institutional control registries	property only
Federal engineering control registries	0.5
Federal ERNS List	property only
State and tribal lists of hazardous waste sited identified for Investigation or remediation:	
1. State- and Tribal-equivalent NPL	1.0
2. State- and Tribal-equivalent CERCLIS	0.5
3. State and Tribal Landfill and/or Solid Waste Disposal Sites List	0.5
4. State and Tribal Registered storage tank Lists	property & adjoining properties
5. State Reported Leaking Storage Tank Lists	0.5
6. State and Tribal Engineering Control Registries	0.5
7. State and Tribal Institutional Control Registries	property only
8. State and Tribal Voluntary Cleanup Sites	0.5
9. State and Tribal Brownfield Sites	0.5

- b. If the property or any of the adjoining properties is identified on one or more of the standard environmental record sources above, pertinent regulatory files and/or records associated with the listing should be reviewed in accordance with Section 8.1.1 through 8.1.8 of ASTM E-1527.
- c. As an alternative, the environmental professional may review files/records from an alternative source(s) (for example, onsite records, user provided records, records from local government agencies, interview with regulatory officials or other individuals knowledgeable about the environmental conditions that resulted in the standard environmental record source listing, etc.).
- d. A summary of the information obtained from the file/record review shall be included in the report and the environmental professional must include in the report his/her opinion on the sufficiency of the information obtained from the files/records review to evaluate the existence of a *recognized environmental condition*, *historical recognized environmental condition*, *controlled*

recognized environmental condition, or a *de Minimis* condition.

2) Additional Environmental Record Sources

- a. The records may include one or more of the following *additional environmental record sources*, at the discretion of the *environmental professional*, to enhance and supplement the federal and state sources identified above.

Additional Environmental Record Sources and Search Distances	
List	Minimum Search Distance (Miles)
Brownfields Sites	0.5
Local or County Lists of Landfill/Solid Waste Disposal Sites	0.5
Records of Emergency Release Reports (SARA 304)	property only
Records of Contaminated Public Wells	0.5
Fire Department	property only
List of Local or County Hazardous Waste/contaminated sites	0.5
Lists of Local or County Registered storage tanks	property & adjoining properties
Local Land Records (for activity and use limitations)	property only
Local Water Quality Agency	0.5
Local Electric Utility Companies (for information relating to PCBs)	property only

- b. The following potential sources for local records may be considered, although the list is not comprehensive and other sources may be used.

- i. Local or County Department of Health/Environmental Division
- ii. Local or County Fire Department
- iii. Local or County Planning Department
- iv. Local or County Building Permit/Inspection Department
- v. Local/Regional Pollution Control Agency
- vi. Local/Regional Water Quality Agency
- vii. Local Electric Utility Companies (for records relating to PCBs)

C. Standard Physical Setting Source

- 1) Consultant will review a current USGS 7.5 Minute Topographic Map showing the area on which the Site is located, provided it is *reasonably ascertainable*. Other physical setting sources that are reasonably credible (as well as reasonably ascertainable) may be reviewed at the discretion of the environmental

professional in order to assess the impact of migration on *recognized environmental conditions* in connection with the Site.

D. Standard Historical Sources

- 1) Consultant will review *reasonably ascertainable standard historical sources* in an attempt to develop a history of the previous uses or occupancies of the Site and surrounding area.
- 2) The objective will be to identify those uses or occupancies that are likely to have led to *recognized environmental conditions* in connection with the Site.
- 3) Consultant will attempt to identify all obvious uses or occupancies of the Site from the present dating back to the Site's obvious first developed use or to 1940, whichever is earlier. At least one of the standard historical sources will be researched to 1940, or a combination of historical sources will be used to determine the use or occupancies of the Site dating back to 1940, or until the Site was first developed. Search intervals will be a minimum of 5 years or as such to adequately establish the Site history within the extent records are *reasonably ascertainable*.
- 4) The following sources may be consulted:
 - a. Aerial Photographs
 - b. Fire Insurance Maps
 - c. Property Tax Files
 - d. Recorded Land Title Records
 - e. USGS 7.5 Minute Topographic Maps
 - f. Local Historical Street Directories
 - g. Building Department Records
 - h. Zoning/Land Use Records
- 5) After checking all *reasonably ascertainable standard historical sources*, whatever history of previous uses of the Site are available shall be deemed sufficient to comply with ASTM E1527-13. Data failure and/or no findings will be documented in the report and the consultant will comment upon the significance of the data gaps.

E. Site Reconnaissance

- 1) In accordance with the agreed upon project schedule, *consultant will conduct a site visit to the Site during which the periphery of the Site shall be physically and visually observed*, as well as any structure(s) located on the Site, to the extent the property or structures are not obstructed by bodies of water, adjacent buildings or other obstacles. The methodology used to observe the property will be documented in the report, as well as limitations imposed by physical obstacles and limiting

conditions. The *site visit* will address the following:

- a. General Site Setting: Current use of the Site, adjoining properties, and surrounding area; past uses of the Site, adjoining properties, and surrounding area, as indicated by the site reconnaissance; and geologic, hydrogeologic, hydrologic and topographic conditions for the Site. As indicated by visual observations; roads and structures on the Site; the source of potable water; the sewage disposal system for the Site; and storm water conveyance for the Site.
 - b. Interior Observations: The means of heating and cooling the buildings on the Site, including the fuel source. Stains/corrosion, on floors and walls, floor drains, and sump pits, to the extent they are visually or physically observed or identified from interviews, and any odors detected shall be described in the report.
 - c. Exterior Observations: The presence of hazardous substances and petroleum products materials including, but not limited to, polychlorinated biphenyls (PCBs), pesticides, above or below ground fuel/chemical storage tanks and pipelines, drums, transformers, drains, sumps, drywells, unidentified substance containers, unusual land colorations, and odors and physical irregularities. The presence of wells, stressed vegetation from other than insufficient water, pits, ponds or lagoons, and stained soil, gravel or pavement. The presence of wastewater discharges to surface waters, septic systems, drains, drywells, holding ponds and public sewer systems. The presence of systems to dispose of solid wastes and other liquid waste. The presence of fill material other than landscaping material. The presence of abandoned equipment and materials.
 - d. Adjoining Properties: This will include a visual examination, to the degree possible without trespass, of land use conditions that may adversely affect the Site including: underground or aboveground storage tanks; pits, ponds, and lagoons; landfills; stains, wells, odors, distressed vegetation, chemical storage areas, or other obvious indications of *recognized environmental conditions*.
- F. Interviews with Owners and Occupants
- 1) Consultant will make reasonable attempts to interview current and past *owners* or *occupants* of the Site to obtain information regarding *recognized environmental conditions* in connection with the Site.
 - 2) At a minimum, the current *owners/occupants* will be interviewed. Prior to the site visit, Client will identify a person with knowledge of the operations and/or uses of the Site.

- 3) Consultant may utilize an Owner/Occupant Questionnaire as the form of written interview, supplemented by verbal interview(s). If Consultant uses an Owner/Occupant Questionnaire completed by the designated Owner/Occupant representative, the Questionnaire shall be included in the written report.
- 4) Consultant may utilize a User Questionnaire to be completed by the Client. The User Questionnaire may be completed by the Consultant through a telephone interview with the Client. The completed User Questionnaire should be completed prior to beginning the Phase I ESA and will be included in the final report.

G. Interviews with Local Government Officials

- 1) Consultant shall make reasonable attempts to interview local government officials to obtain information regarding *recognized environmental conditions* in connection with the Site.
- 2) A reasonable attempt shall be made to interview a staff member from the local fire department, and the county health agency for information regarding hazardous waste disposal, past or present underground storage tanks, and septic tank information.
- 3) Consultant shall make reasonable attempts to investigate and record the provisions of utilities such as water, sewer, electricity, and natural gas on the Site. It should be noted that responses from local government officials may not be received within the time allotted for this assessment and will not be included in such instances.
- 4) Information requested from a representative of the local fire department should include information on past hazardous materials incidents, hazardous materials permits, knowledge of current or former underground storage tanks (USTs) or above-ground storage tanks (ASTs), citations or violations, certificates of occupancy, or other information that may be in their files for the Site address (current or former occupants). If no information is available from the local fire department or if the files were purged after some amount of time, that fact will be recorded in the report.
- 5) Interview(s) may, at the discretion of the Consultant, be conducted with representatives of the local building department, planning and zoning authority, code enforcement office, public works department, local health/environmental department, etc., as necessary to establish prior uses of the Site and gather data required to complete the report. Information that may be requested that may be in their files for the Site address (current or former occupants) may include but not be limited to: permits for installation, operation, removal or demolition of structures or equipment at the Site, including but not limited to ASTs, USTs or washracks. If no information is available or if the files are purged after some period of time, that fact will be recorded in the report.

H. Evaluation and Report Preparation

- 1) The Consultant shall provide preliminary results after completion of the site visit and prior to producing the report. The preliminary report shall include a preliminary listing of RECs and recommendations based solely on the observations and interviews conducted during the site visit, excluding information from record reviews and other interviews.
- 2) After completion of the site visit, consultant shall provide three (3) copies of the Phase I ESA final report in addition to an electronic copy in Adobe Acrobat format.
- 3) The analysis, opinions and conclusions provided in the Phase I ESA report will include documentation of all sources, including those that revealed no findings.
- 4) The report shall include a Site Location Map and a Site Diagram. Color copies of applicable site photographs shall be attached as appendices to the Phase I ESA report.
- 5) Commercial governmental record search company's reports, if used, shall be attached as appendices to the Phase I ESA report.
- 6) Credentials of the environmental professional(s) involved in conducting the Phase I ESA will be provided. The environmental professional(s) responsible for the Phase I ESA shall sign the report.
- 7) The report shall state whether Client reported to the *environmental professional* any information pursuant to the user's responsibilities through inclusion of the completed User Questionnaire or suitable alternative.
- 8) The report shall include the *environmental professional's* opinion of the impact of *recognized environmental conditions* in connection with the Site. The report shall have a findings and conclusions section that states one of the following:
 - a. "Consultant has performed a Phase I Environmental Site Assessment, in conformance with the scope and limitations of ASTM Practice E 1527, of the Site. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This assessment has revealed no evidence of RECs in connection with the Site," or
 - b. "Consultant has performed a Phase I Environmental Site Assessment, in conformance with the scope and limitations of ASTM Practice E 1527, of the Site. Any exceptions to, or deletions from, this practice are described in Section [] of this report. This

assessment has revealed no evidence of RECs in connection with the property except for the following: (provide list)."

- 9) The report will be signed by the *environmental professional* and will include the following statement by the *environmental professional*:
 - a. "I declare that, to the best of my professional knowledge and belief, I meet the definition of *Environmental Professional* as defined in §312.10 of 40 CFR 312" and
 - b. "I have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the Site. I have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312."
 - c. All deletions and deviations from this practice (if any) shall be listed individually and in detail in the report and all additions shall be listed.

I. Exclusions

- 1) This Scope of Services does not include an evaluation of the following issues, which are not addressed in the AAI Rule or the ASTM standard.
 - a. Asbestos-Containing Building Materials
 - b. Radon
 - c. Lead-Based Paint
 - d. Lead in Drinking Water
 - e. Wetlands
 - f. Regulatory Compliance
 - g. Cultural and Historic Resources
 - h. Industrial Hygiene
 - i. Health and Safety
 - j. Ecological Resources
 - k. Endangered Species
 - l. Mold
 - m. Biological Agents
 - n. Indoor Air Quality unrelated to releases of hazardous substances or petroleum into the environment.

2.4 TASK NO. 8 – Unforeseen Work

- 2.4.1 It is understood that due to the preliminary nature of the work; that there are many unknowns associated with the work which may need to be addressed dependent on results of the investigative work. As such, this task addresses unforeseen circumstances as outlined below.
- 2.4.2 Perform additional unforeseen work as requested by the County only after submittal of a detailed Scope of Work and Fee Proposal.
- 2.4.3 A Written Task Order from the County shall provide authorization for performance of additional, unforeseen work. Task Order(s) will be incorporated into this contract via Supplemental Agreement(s).
 - A. All additional unforeseen work shall be within the scope of Professional Services work as defined in HRS §103D-104.

**Supplemental Agreement No. 1
Additional Project Costs**

Task No.	Description	Cost
Task 5	Exploratory Geotechnical Work	\$45,843.00
Task 6	Drainage Feasibility Study	
	Phase 1 - Data Gathering and Initial Feasibility Assessment	\$45,000.00
	Phase 2 – Completion of Feasibility Study	\$47,899.00
Task 7	Phase 1 ESA	\$16,089.00
Task 8	Additional Unforeseen Work	\$20,000.00
TOTAL		\$174,831.00